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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 AMERICAN ECONOMY INSURANCE
12 COMPANY, an Indiana corporation,

13 Plaintiff,

14 vs.

15 NICEFORO HERRERA, individually and
16 doing business as ACAPULCO'S PRODUCE
17 MARKET; NICHOLAS M. FINTZELBERG
18 doing business as MILNIK TRUST
19 PROPERTIES; LUIS BENITEZ; and
20 JOHANNA BENITEZ by and through her
21 guardian at litem, Luis Benitez,

22 Defendants.


CASE NO. 06cv2395 WQH (CAB)

ORDER

23 HAYES, Judge:

24 The Joint Motion to Dismiss with Prejudice the Complaint against Defendant Nicholas
25 Fintzelberg, doing business as Milnik Trust Properties (Doc. # 64) is **GRANTED**. All claims
26 against Defendant Nicholas Fintzelberg, doing business as Milnik Trust Properties, are
27 **DISMISSED with prejudice**. Each party shall bear their own fees and costs.
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DATED: January 23, 2008


WILLIAM Q. HAYES
United States District Judge